



Louisiana Board of Pharmacy

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BULLETIN No. 15-02

To: All pharmacies, pharmacists, pharmacy interns, pharmacy technicians, and candidates
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From: Malcolm J Broussard, Executive Director

Date: July 10, 2015

Re: New Laws from 2015 Legislature Affecting Pharmacy Practice

HB 159 (Act 298) effective on 08-01-2015

This law amended the Pharmacy Practice Act, in particular the fee schedule therein, and further, requires the Board of Pharmacy to assess an additional \$100 pharmacy education support fee, in addition to the usual renewal fee, on every renewal application for every pharmacist and pharmacy licensed by the Board. The law directs the Board to remit all of the pharmacy education support fees it collects directly to the publicly supported college of pharmacy in the state, University of Louisiana at Monroe School of Pharmacy. Finally, the law requires the Board to provide an option on every renewal application for the pharmacist or pharmacy to omit the payment of the pharmacy education support fee.

HB 174 (Act 189) effective on 06-23-2015

This law amended the state's list of controlled substances by transferring the hydrocodone combination products from Schedule III to Schedule II, and adds suvorexant and tramadol to Schedule IV. These actions follow the same federal actions taken last year and place the state's list in harmony with that of the federal list.

The original bill, which was sponsored by the Board of Pharmacy, was amended during the legislative process to re-visit legislation adopted last year that placed limitations on the pharmacist dispensing of a prescription written by practitioners not licensed in Louisiana. In particular, Act 865 of the 2014 Legislature placed dispensing limitations on prescriptions for opioid derivatives in either Schedule II or Schedule III written by prescribers not licensed in Louisiana – the pharmacist may dispense a maximum of a 10-day supply, the pharmacist must notify the prescriber of the limited dispensing and the cancellation of the remainder of the prescription, and the pharmacist may not dispense that same medication to that same patient when prescribed by that same practitioner for the next 60 days

This law maintained those same dispensing limitations but then added a provision that the limitations shall not apply if the prescription monitoring program (PMP) information from the state of the prescriber may be viewed by the dispensing pharmacist. Dispensing pharmacists should already be aware that PMP information from the State of Arkansas is available for review through the Louisiana PMP system. Through other legislation passed this year (see HB 304 later), the Louisiana PMP system will be adding new states with which we can share information, including the State of Mississippi. Unfortunately, the PMP system in the State of Texas is in transition and will not be able to share information with Louisiana until late 2016 at the earliest.

HB 210 (Act 192 effective on 08-01-2015)

This law did not amend the pharmacy law but it will affect pharmacy practice. This law allows a

practitioner to prescribe naloxone or another opioid antagonist to a third party without an examination when deemed appropriate to treat an opioid-related drug overdose. Act 253 of the 2014 Legislature established this authority for first responders to have and keep naloxone ready for administration in the event they respond to an opioid-related drug overdose. This law expands that capability so that anyone can obtain naloxone and keep it ready for administration; it is intended for family members or other caregivers of patients at risk for an opioid-related drug overdose.

The important point for pharmacists is the legal recognition of such prescriptions even in the absence of a prior examination of the patient. The law specifically directs pharmacists to dispense such prescriptions for naloxone for this purpose, providing another resource to persons caring for family or friends at risk for opioid-related drug overdose.

HB 304 (Act 22) effective 08-01-2015

This law amended the PMP law to harmonize our state's laws relative to protection of PMP information from discovery with similar language in the laws in other states. The Board of Pharmacy sponsored this legislation so that we could share Louisiana PMP information with many more states than we have been able to so far. After the effective date of this law, we will be able to share PMP information with more states, including the State of Mississippi. Dispensing pharmacists should see the option to add many more states to their search criteria.

HB 319 (Act 391) effective 08-01-2015

This law amended the Pharmacy Practice Act to establish procedures for the dispensing of interchangeable biological products. No less than five days after dispensing a biological product, the dispensing pharmacist or his designee shall communicate to the prescriber the specific product provided to the patient, including the name of the product and the manufacturer. However, no communication shall be required if (1) there is no interchangeable or therapeutically equivalent product approved by the FDA for the product prescribed, or (2) if the product dispensed is a refill not changed from the product dispensed on the prior filling of the prescription, or (3) if the prescriber indicates "dispense as written."

HB 568 (Act 409) effective 08-01-2015

This law amended the Pharmacy Practice Act to add two additional actions for which the Board may discipline a license: (1) Has used an independent contractor to provide marketing services for the pharmacy to any practitioner, authorized prescriber, or prospective customer in Louisiana in exchange for compensation unless the compensation paid is an amount set in advance, consistent with fair market value, and not calculated based on the volume or value of actual prescriptions filled by the pharmacy; and (2) Has dispensed or distributed any drug or device to any patient pursuant to a prescription written by a practitioner or a member of the practitioner's group practice if the practitioner or an immediate family member of the practitioner has a direct or indirect financial relationship with the dispensing or distributing pharmacy, unless the financial relationship meets all of the requirements of R.S. 37:1745. That section of law relates to illegal payments and disclosure requirements as found in Chapter 31 of the Board's rules.

SB 115 (Act 453) effective 07-01-2015

This law amended the state medical practice act relative to physician assistants. One of the changes is that physician assistants (and optometrists) were granted the privilege to prescribe any drug listed in Schedule II. Once they have updated their state CDS licenses and federal DEA registrations to add that schedule, those prescriptions from physician assistants and optometrists will be eligible for dispensing.

SB 143 (Act 261) effective 06-29-2015

This law amended the state controlled substance law relative to the therapeutic use of marijuana. The law requires the

- Board of Medical Examiners to issue credentials to physicians qualified to prescribe marijuana for (a) glaucoma, (b) symptoms related to cancer chemotherapy, or (c) spastic quadriplegia; and further, the
- Board of Pharmacy to promulgate rules for the dispensing of prescribed marijuana by licensed pharmacists in pharmacies licensed by the Board; and further, the
- Dept. of Agriculture to promulgate rules for the licensure of one grower and producer of marijuana for therapeutic use.